IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

OP.No. 29353 of 1999(T)

PETITIONERS:
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1. T.N.ASHOK KUMAR, S/O.LATE SRI.NARAYANA PILLAI, ARUNALAYAM, PERUMBAVOOR.

2. MANOJ.B.,S/O.P.K.B.MENON, PADMAVIHAR, PERUMBAVOOR.

3. THE EXCISE INSPECTOR, PERUMBAVOOR RANGE, ERNAKULAM DISTRICT.

4.. KERALA STATE BEVERAGES (MANUFACTURING AND MARKETING) CORPORATION LIMITED, THIRUVANANTHAPURAM.

BY ADV. SRI.N.K.KARNIS
SRI.SAJI VARGHESE

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT OF KERALA, SECRETARIAT, TRIVANDRUM.

2. THE EXCISE COMMISSIONER, BOARD OF REVENUE, GOVERNMENT OF KERALA, TRIVANDRUM.

3. THE EXCISE INSPECTOR, PERUMBAVOOR RANGE, ERNAKULAM DISTRICT.

4. KERALA STATE BEVERAGES (MANUFACTURING AND MARKETING) CORPORATION LIMITED, THIRUVANANTHAPURAM, REPRESENTED BY ITS MANAGING DIRECTOR.

R3 & R4 BY GOVERNMENT PLEADER SRI.PA.SALIM

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 19/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.49913 OF 1999 IN O.P.NO.29353 OF 1999

DISMISSED

19.12.2006

SD/- J.B.KOSHY, JUDGE.
SD/- K.PADMANABHAN NAIR, JUDGE.

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1: TRUE COPY OF THE CHEMICAL ANALYSIS REPORT ISSUED FROM THE CHEMICAL EXAMINER'S LABORATORY, ERNAKULAM BEARING NO.1945 DATED 23.9.1998.

EXT.P2: TRUE COPY OF THE SUMMONS ISSUED BY THE 3RD RESPONDENT TO THE PETITIONERS BEARING NO.CR.22/99 DT. 3.11.99.

EXT.P3: TRUE COPY OF THE PUBLICATION PUBLISHED BY BUREAU OF INDIAN STANDARD, NEW DELHI IN JULY, 1989.

EXT.P4: TRUE COPY OF THE ORDER IN C.M.P.NO.40656 OF 1999 IN O.P.NO.24222/99 DATED 29.9.99 OF THE HON'BLE HIGH COURT OF KERALA.

// TRUE COPY //

TKS

J.B.KOSHY & K.PADMANABHAN NAIR,JJ.

O.P.NO.29353 OF 1999

Dated 19th December, 2006

JUDGMENT

Koshy,J.

This writ petition was filed challenging Rule 2 of Foreign Liquor Rules introduced on 29.3.1996 and amended on 5.3.1998. When the petitioner pointed out that the above Rule was struck out in another case, the learned single Judge referred the matter as the same question was pending in W.A.Nos.583 of 2002 & 1715 of 2002. The above writ appeals were disposed of by judgment dated 16.2.2006 upholding the Rule, but, giving some beneficial directions. So, this writ petition is also disposed of in terms of the judgment dated 16.2.2006 in W.A.No.583 of 2002 and connected cases.

J.B.KOSHY
JUDGE

K.PADMANABHAN NAIR
JUDGE

tks